

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Confirmation No.: 3803

Daniel Manhung Wong

Examiner: VAUTROT, DENNIS L

Serial No.: 10/786,941

Group Art Unit No.: 2167

Filed: February 24, 2004

For: SENDING CONTROL INFORMATION WITH DATABASE STATEMENT

**PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT**

**UNDER 37 CFR § 1.181(a)**

Hon. Commissioner for Patents  
Mail Stop Amendments  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a) is in response to the Notice of Abandonment mailed August 23, 2007. The Notice of Abandonment indicates that the application was abandoned for the Applicant's alleged failure to timely file a proper reply to the Office letter mailed on January 24, 2007, for which a response was due by April 24, 2007. The Notice of Abandonment indicates that no reply was received by the Office in response to the Office Action mailed on January 24, 2007. However, for the reasons stated herein, the holding of abandonment should be withdrawn because the applicant timely filed a complete and proper reply on the three month response date of April 24, 2007 that placed the application in condition for allowance pursuant to the requirements of the Final Office Action.

As stated in the attached Declaration of Yury A. Perzov, a Reply to Office Action was mailed to the Office on April 24, 2007. A copy of the Reply to Office Action mailed on April 24, 2007 is attached as Exhibit 1 to the Declaration of Yury A. Perzov. The mailing date of

April 24, 2007, is the three month response due date for responding to the Office Action mailed on January 24, 2007.

As stated in the attached Declaration of Yury A. Perzov, the acknowledgement receipt postcard was received by the law firm of Hickman Palermo Truong & Becker LLP on April 30, 2007 from the U.S. Patent and Trademark Office (USPTO) with an Office of Initial Patent Examination (OIPE) stamp indicating that the Reply to Office Action was received by the USPTO on April 26, 2007. The receipt date of April 26, 2007, is well before the July 24, 2007 deadline for responding to the Office Action mailed on January 24, 2007.

Note that the Reply to Office Action mailed on April 24, 2007 does not add, cancel or amend claims 1-26. The applicant respectfully submits that the Reply to Office Action mailed on April 24, 2007 is a complete and proper reply that was timely filed and puts the application in condition for allowance.

Therefore, the applicant respectfully petitions for the withdrawal of the holding of abandonment for failure to reply to the Office Action mailed on January 24, 2007, for which a reply was due by April 24, 2007, because the applicant mailed a complete and proper reply on April 24, 2007, which was received by the Office on April 26, 2007, well before the July 24, 2007 deadline.

## CONCLUSION

The Office is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the consideration of the present petition.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: 9/24/2007

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Attachment - Declaration of Yury A. Perzov with Two Exhibits